19/17.

File No. Mamlatdars II/47

Legal **DEPARTMENT**

B **BRANCH**

Subject:— Rules and Notifications under the Mamlatdars' Court Act, 1906

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C O N T E N T S.

Legal Department File No. Mamlatdars II /47

Cr. No.	Compilation No.	Subject	Pages
		Rule & Notifications under the Mamlatdars' Court Act. 1906	
1.	O.No. 6306 5-7-47	Sec. 3(a) ----Draft Notifn. under	1-3
2/	O.No. 11116 21-11-47	Sec. 4(1) ----Notifn. under	5
		-------Do------	7-9

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A revised draft notification is sent herewith.

2. It appears from these papers that on 31st October, 1945, Mr. Balubhai Lallubhai Desai was authorised by the Provincial Government under clause (a) of section 3 of the Mamlatdars' Courts Act, 1906 to exercise the powers of a Mamlatdar under the said Act, so long as he held the post of Extra Aval Karkun, Shehera, in Godhra taluka of the Panch Mahals district. (see notification at p. 13 ante). After Mr. Desai was transferred, a proposal was made by the Collector of Panch Mahals to authorise Mr. H.C. Parikh to exercise the powers of a Mamlatdar under the Mamlatdars' courts Act, but it appears that no notification or order was issued by the Provincial Government for that purpose. Presumably Mr. Parikh exercised the powers of a Mamlatdar under the Act although no such order or notification was issued, and if so, the question whether Mr. Parikh could validly exercise the powers of a Mamlatdar under the Act will have to be considered if and when it arises. It now appears that Mr. Parikh has also been transferred and Mr. Chimanlal C. Shah has already been appointed in his place. For the present a notification as proposed authorising Mr. Shah to exercise the powers of a Mamlatdar under the Mamlatdars' Courts Act may be issued but again the question whether Mr. Shah could validly exercise the powers of a Mamlatdar till the date of the proposed notification will have to be considered if and when it arises. No reference should be made in the notification as proposed by R.D. to H.D. Notification No. 9234/4, dated the 31st October, 1945, since a reference to that notification will raise doubts as to the validity of the exercise of powers of the Mamlatdar by Mr. H.C. Parikh in whose case, as pointed out above, no notification under section 3 of the Act was issued. In any case Mr. Desai was authorised to exercise the powers of a

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Mamlatdar only so long as he held the post of Extra Aval Karkun. On his ceasing to hold that post he authmaticall; ceased to exercise the powers of a Mamlatdar and therefore no modification orsupersession of thenotification of 31st October, 1945. is necessary.

3. As complications are likely to arise if persons are allowed to exercise thepowers of a Mamlatdar without being specially authorised for the purpose under section 3 of the Act, the R.D. is requested to see that action under the section is taken in time .

D.V.Vyas.

O.C. Remembrancer of Legal Affairs.

U.R. to R.D.,No. 6906, dated the 5th July 1947.

S.A.K.

NOTIFICATION.

Revenue Department.

Bombay Castle, July 1947.

Mamlatdars' Courts Act, 1906.

No. 2554/45. In exercise of the powers conferred by clause (a) of section 3 of the Mamlatdars' Courts Act, 1906 (Bom. II of 1906), the Government of Bombay is pleased to authorise Mr. Chimanlal C. Shah to exercise the powers of a Mamlatdar under the said Act, so long as he holds the post of Extra Aval Karkun, Shehera, in Godhra taluka of the Panch Mahals district.

By order of the Governor of Bombay.

Secretary to Government.

No. 4372 :- In exercise of the power under clause (1) of section 4 of Bombay Act II of 1906, delegated by Government Notification (Judicial Department), No. 1155, dated 25th February 1907, to him the Commissioner, Southern Division hereby appoints the Special Head Sarkun, Taluka Bijapur, to be a Joint Mamlatdar for that taluka.

Camp, Poona, 29th September 1915.

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No. Est. 231.-In exercise of the powers delegated to the Commissioner by Government N tification No. 1165, dated 25th February 1907, the Commissioner, Northern Division, is pleased to appoint under section 4, sub-section (1) of the Mamlatdars' Courts Act, 1906 (Bombay II of 1906), the extra Aval Karkun of the Jambusar Taluka in the Broach District to be a Joint Mamlatdar in that taluka.

Sd/- F.G.Pratt.
Ag. Commissioner, N.D.

Ahmedabad, Shahibagh, 30th January 1916.

Office of the R.L.A.

The draft notification at page 63 ante, as amended, is in order.

sd/-

O.O. for Remembrancer of Legal Affairs.

U.O. to R.D.,No.11116, dated the 21th November 1947.

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